

1 UNITED STATES BANKRUPTCY COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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5 SECURITIES INVESTOR  
6 PROTECTION CORPORATION,  
7 Plaintiff,

8 v. Adv. Case No. 08-01789(SMB)

9 BERNARD L. MADOFF  
10 INVESTMENT SECURITIES,  
11 LLC., ET AL.,  
12 Defendants.

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15 U.S. Bankruptcy Court  
16 One Bowling Green  
17 New York, New York

18

19 August 26, 2015  
20 10:21 AM

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23 B E F O R E :

24 HON STUART M. BERNSTEIN  
25 U.S. BANKRUPTCY JUDGE

1     Hearing re:   Motion to Allow/Trustees Motion and Memorandum  
2     to Affirm His Determinations denying Claims of Claimants  
3     Holding Interest in the Whitman Partnership, the Lucky  
4     Company, the Petito Investment Group, and the Harwood Family  
5     Partnership

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25     Transcribed by:   Dawn South

1 A P P E A R A N C E S :

2 BAKER HOSTETLER

3 Attorneys for the Trustee

4 45 Rockefeller Plaza

5 New York, NY 10111

6

7 BY: AMY E. VANDERWALL, ESQ.

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9 P R O C E E D I N G S

10 THE COURT: Madoff?

11 MS. VANDERWAL: Good morning, Your Honor.

12 THE COURT: Good morning.

13 MS. VANDERWAL: Amy Vanderwal with Baker Hostetler  
14 on behalf of the trustee.

15 I'm here today on the trustee's motion to affirm  
16 his determination of 29 claims that were filed by claimants  
17 who invested in 4 partnerships. The Whitman Partnership,  
18 the Lucky Company, the Petito Investment Group, which are  
19 all Florida partnerships, and the Harwood Family  
20 Partnership, which is a New Jersey partnership.

21 THE COURT: These are essential feeder funds that  
22 had accounts with Madoff and the individual -- the entities  
23 that are the subject of this motion invested in the feeder  
24 funds, which in turn invested in Madoff.

25 MS. VANDERWAL: That's exactly right, Your Honor,

1 and like numerous prior decisions they did not have the  
2 relationship that is required to establish customer status  
3 under many prior decisions, including (indiscernible) of the  
4 Second Circuit, and Marion (ph) Kennedy.

5 THE COURT: Let me ask if there's anyone in court  
6 today who objects to the relief requested by the trustee?

7 The record should reflect there's no response.

8 The reason I brought you in, I know you filed a  
9 certificate of no objection, but I've seen in the past that  
10 a lot of these investors are individuals who may not  
11 appreciate what's going on here, so the purpose is to give  
12 them one last chance to come in here and make any arguments  
13 they think they're entitled to make, but --

14 MS. VANDERWAL: I understand.

15 THE COURT: -- no one has responded, and you're  
16 clearly entitled -- the trustee is clearly entitled to the  
17 relief he seeks based upon numerous prior decisions of this  
18 court, the District Court, and the Court of Appeals.

19 So the motion is granted. You can submit an  
20 order.

21 MS. VANDERWAL: Thank you very much, Your Honor.

22 THE COURT: Thank you.

23 (Whereupon these proceedings were concluded at 10:22  
24 AM)

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I N D E X

RULINGS

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Motion to Allow/Trustees Motion and Memorandum to  
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Lucky Company, the Petito Investment Group, and the  
Harwood Family Partnership

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C E R T I F I C A T I O N

I, Dawn South, certify that the foregoing transcript is a  
true and accurate record of the proceedings.

Dawn South

Digitally signed by Dawn South  
DN: cn=Dawn South, o, ou,  
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Dawn South

AAERT Certified Electronic Transcriber CET\*\*D-408

Date: August 26, 2015

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